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8 Attorneys for Defendant
9 SERVICE SOLUTIONS GROUP LLC

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 CINDY KING FEINSTEIN,

13 Plaintiff,

14 v.

15 SERVICE SOLUTIONS GROUP LLC;
16 BARKERS FOOD MACHINERY
17 SERVICE; FRANK HOLDING AG; and
18 DOES 1-25,

19 Defendants.

Case No. 08CV1174 W (WMc)

**DEFENDANT SERVICE SOLUTIONS
GROUP LLC'S NOTICE OF UNOPPOSED
MOTION REGARDING DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT [F.R.C.P 8(a), 12(b)(6); 12(e);
CivLR 7.1.f.3.c]**

Hearing Date: August 11, 2008
Time: (No Oral Argument
Required under Local Rule
7.1(d)(1))
Judge: Hon. Thomas J. Whelan

Complaint Filed: November 20, 2007

1 On July 10, 2008, Defendant Service Solutions Group, LLC timely filed and served
2 its Motion to Dismiss Plaintiff's complaint under Federal Rules of Civil Procedure 8(a), 12(b)(6),
3 and 12(e). Attached as Exhibit A is a true and correct copy of the proof of service of Defendant's
4 Motion to Dismiss that is on file with this Court.

5 NOTICE IS HEREBY GIVEN that Plaintiff Cindy King Feinstein has not opposed
6 Defendant's pending motion to dismiss Plaintiff's complaint within the time permitted by Southern
7 District of California Local Rule 7.1.e.2. Accordingly, Plaintiff has consented to the granting of
8 Defendant's motion. CivLR 7.1.f.3.c; Hon. Judge Whelan Chamber Rules. Because Plaintiff has
9 consented to the dismissal of her complaint, Defendant offers this notice of unopposed motion and
10 respectfully requests that this Court dismiss Plaintiff's complaint.

11 Dated: August 5, 2008

Respectfully submitted,

13 s/Justin A. Morello
14 STACEY E. JAMES
15 JUSTIN A. MORELLO
16 Attorneys for Defendant
17 Email: sjames@littler.com;
18 jmorello@littler.com

19 Firmwide: 86117717.1 046687.1149

PROOF OF SERVICE BY MAIL

I am employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 501 W. Broadway, Suite 900, San Diego, California 92101.3577. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On August 5, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**DEFENDANT SERVICE SOLUTIONS GROUP LLC'S
NOTICE OF UNOPPOSED MOTION REGARDING
DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S
COMPLAINT [F.R.C.P 8(a), 12(b)(6); 12(e); CivLR 7.1.f.3.c]**

in a sealed envelope, postage fully paid, addressed as follows:

Mary Elizabeth Bullock
3955 Faircross Place, #73
San Diego, CA 92115
619.677.4066 phone
619.727.4907 fax

Attorney for Plaintiff

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 5, 2008, at San Diego, California.

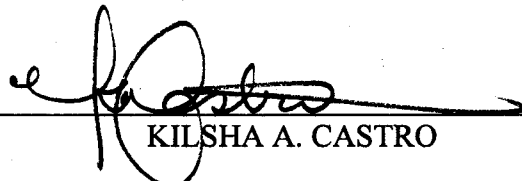

KILSHA A. CASTRO

EXHIBIT A

PROOF OF SERVICE BY MAIL

I am employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 501 W. Broadway, Suite 900, San Diego, California 92101.3577. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On July 10, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**DEFENDANT SERVICE SOLUTIONS GROUP LLC'S
NOTICE OF MOTION TO DISMISS PLAINTIFF'S
COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]**

**DEFENDANT SERVICE SOLUTIONS GROUP LLC'S
MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF MOTION TO DISMISS PLAINTIFF'S
COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]**

**DECLARATION OF JUSTIN A. MORELLO IN SUPPORT
OF DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S
COMPLAINT [F.R.C.P 8(A), 12(B)(6); 12(E)]**

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KILSHA A. CASTRO